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**03-22186**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.**

**CIV-LENARD**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**\$63,825.00 IN UNITED STATES  
CURRENCY, MORE OR LESS, AND ALL  
ACCRUED INTEREST THEREON,**

**Defendant.**

**MAGISTRATE JUDGE  
SIMONTON**

**FILED BY  
03 AUG 14 PM 3:45  
CLARICE HADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIA**

**COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, United States of America, hereby files this Complaint for Forfeiture In Rem against the above-captioned defendant property, and in support thereof alleges the following:

1. This is a civil action for forfeiture in rem of the above-captioned defendant property pursuant to Title 21, United States Code, § 881(a)(6), arising from violations of Title 21, United States Code, § 801, et seq.

2. Jurisdiction is vested in this Court pursuant to Title 28, United States Code, §§ 1345, 1355 and 2461.

3. This Court has venue pursuant to Title 28, United States Code, §§ 1355(b)(1)

*1/*  
*Ant*

and 1395 because certain acts giving rise to the forfeiture occurred within the Southern District of Florida and because the defendant property is located within the Southern District of Florida and will so remain during the pendency of these proceedings.

4. The United States seeks forfeiture of the defendant property, \$63,825.00, MORE OR LESS, IN UNITED STATES CURRENCY, PLUS ANY AND ALL ACCRUED INTEREST THEREON, pursuant to Title 21, United States Code, § 881(a)(6), on the grounds that the property was furnished, or intended to be furnished, in exchange for controlled substances and/or is proceeds traceable to one or more exchanges of a controlled substance, in violation of Title 21, United States Code, § 801, et seq., and/or was used or intended to be used to facilitate a violation of Title 21, United States Code, § 801, et seq.

#### **FACTUAL BACKGROUND**

5. During the course of an investigation, agents of the Drug Enforcement Administration ("DEA") learned that Rickey Brownlee had been engaged in narcotics trafficking in the Opa Locka, Florida area from about July 1986 through about early 1998.

6. In or about January 1998, Rickey Brownlee, and several co-conspirators, were arrested by DEA agents on heroin and cocaine trafficking charges.

7. On or about February 5, 1999, Rickey Brownlee and certain co-conspirators were charged in a Third Superseding Indictment, *inter alia*, with conspiracy to distribute cocaine and heroin during the period from about July 31, 1986 to about June 26, 1998, possession with intent to distribute cocaine, and money laundering, in United States v. Rickey Brownlee, et al., Case No. 97-662-Cr-Moore(s)(s)(s).

8. Investigating agents received information from Roger Thompson, one of

Brownlee's co-conspirators, that Rickey Brownlee had some money hidden in a safe at the home of his mother, Lillie Mae Brownlee ("Mrs. Brownlee"), located at 2370 NW 155<sup>th</sup> Street, in Opa Locka, Florida.

9. On or about July 13, 1999, DEA agents went to the residence located at 2370 NW 155<sup>th</sup> Street, and obtained consent from Mrs. Brownlee to search the house.

10. During the course of the search, the agents located a floor safe in the closet of a rear bedroom of the house. The safe was locked.

11. When asked by DEA Special Agent Robert Barrett ("S/A Barrett") if she knew who owned the safe, Mrs. Brownlee stated that she had never seen the safe before.

12. Mrs. Brownlee further stated that she had no idea what was in the safe.

13. Mrs. Brownlee gave her consent for the agents to search the safe and its contents, but told agents that she did not have the combination to open the safe.

14. Prior to any attempts to open the safe, Mrs. Brownlee asked if she could find her husband, John Brownlee ("Mr. Brownlee"), to determine if he knew of the safe or the combination.

15. Upon his arrival, Mr. Brownlee was shown the safe and was asked by S/A Barrett if he knew the combination for the safe.

16. Mr. Brownlee stated that he had never seen the safe before and that he did not know the combination for the safe, nor what the safe contained.

17. Thereafter, DEA Special Agent Vincent Fulton ("S/A Fulton") proceeded to try to unlock the safe.

18. When initial attempts by S/A Fulton were unsuccessful in unlocking the safe, a professional locksmith was called to assist in unlocking the safe.

19. While the agents were waiting for the locksmith to arrive, S/A Barrett was asked to speak via telephone to an individual identifying himself as Peter Raben, attorney for Rickey Brownlee.

20. Mr. Raben questioned S/A Barrett about why the DEA agents were in the house and what they were doing.

21. After S/A Barrett finished speaking with Mr. Raben, Mrs. Brownlee spoke with Mr. Raben.

22. After hanging up from the telephone conversation with Mr. Raben, Mrs. Brownlee told S/A Barrett that Mr. Raben had asked her to ask the agents to stop the search.

23. S/A Barrett, in the presence of S/A Sean McDonald and family members, Tinika McIntyre, Janice ElSaleh and Herman Brownlee, then asked Mrs. Brownlee if she wanted the agents to stop the opening and searching of the safe.

24. Mrs. Brownlee told S/A Barrett to continue trying to open the safe.

25. Upon the unlocking of the safe by the locksmith, Mr. Mario Fernandez, agents found a tan plastic bag, containing United States currency, and a second tan plastic bag, which also contained United States currency, inside the safe.

26. Mr. and Mrs Brownlee were asked to view the contents that had been removed from the floor safe.

27. Mr. and Mrs. Brownlee stated that they had never seen the contents of the safe before and did not know how the items had gotten into the safe.

28. Upon further inspection, the first plastic bag was found to contain twenty-six (26) bundles of United States currency, while the second plastic bag was found to contain

four (4) bundles of United States currency, for a total of thirty (30) bundles of currency.

29. The currency, in the amount of \$63,825.00 in United States currency, obtained from the two plastic bags recovered from the safe on July 13, 1999, comprises the defendant property in this case.

30. A breakdown of the defendant currency is as follows:

<u>Denomination</u>	<u>No. of Bills</u>	<u>Amount</u>
\$5	225	\$1,125
\$10	430	\$4,300
\$20	1300	\$26,000
\$50	166	\$8,300
\$100	241	<u>\$24,100</u>

<b>Total Amount</b>	<b><u>\$63,825</u></b>
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31. On or about September 13, 1999, Rickey Brownlee filed a claim with the Drug Enforcement Administration, in which he alleged that he is the owner of the defendant currency.

32. Rickey Brownlee was found guilty of, and subsequently sentenced on or about November 9, 1999 for, conspiracy to distribute cocaine and heroin, distribution of cocaine, conspiracy to launder money, money laundering involving drug proceeds, and engaging in monetary transactions in criminally derived property.

33. By reason of the foregoing, the defendant property has become and is forfeit to the United States of America, pursuant to Title 21, United States Code, § 881(a)(6), because the defendant property was furnished, or intended to be furnished, in exchange for controlled substances and/or is proceeds traceable to one or more exchanges of a controlled substance, in violation of Title 21, United States Code, § 801, et seq., and/or

was used or intended to be used to facilitate a violation of Title 21, United States Code, § 801, et seq.

WHEREFORE, Plaintiff United States of America requests that a warrant of arrest in rem be issued for the defendant property, together with all accrued interest thereon; that the Court direct all persons having any claim to or interest in the defendant property to appear and show cause why the forfeiture should not be decreed or suffer default of such claim or interest; that the Court declare the defendant property condemned and forfeited to the United States of America for disposition according to law; and that the United States be granted such other and further relief as this Court deems just and proper, together with costs and disbursements of this action.

Respectfully submitted,

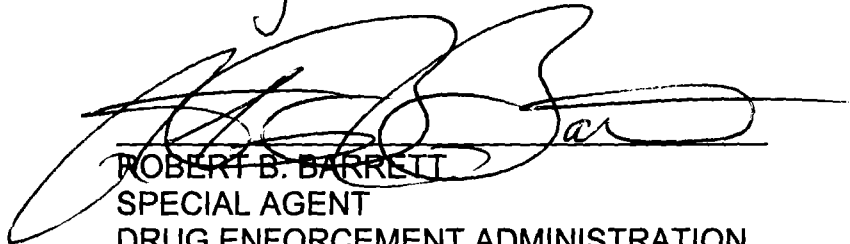
MARCOS DANIEL JINENEZ  
UNITED STATES ATTORNEY

By: G. R. Walkins 8/14/03  
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ASSISTANT U.S. ATTORNEY  
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Miami, Florida 33132-2111  
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Fax: (305) 536-7599  
Fla. Bar No. 0897787  
Arimenta.Walkins@justice.usdoj.gov

**VERIFICATION**

I, Robert B. Barrett, Special Agent of the Drug Enforcement Administration, hereby declare under penalty of perjury as provided by Title 28, United States Code, § 1746, that the foregoing Complaint for Forfeiture In Rem is based upon information known to me, and that the facts alleged therein are true and correct to the best of my knowledge and belief.

EXECUTED, on this 29<sup>th</sup> day of July, 2003.

  
ROBERT B. BARRETT  
SPECIAL AGENT  
DRUG ENFORCEMENT ADMINISTRATION

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

## DEFENDANTS

\$63,825.00 in UNITED STATES CURRENCY,  
MORE OR LESS, AND ALL ACCRUED  
INTEREST THEREON,

CIVIL - LENARD

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT DADE  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ARIMENTH R. WALKINS, AUSA  
99 NE 4th Street, Suite 700  
(305) 961-9091

ATTORNEYS (IF KNOWN)

MAGISTRATE JUDGE  
SIMONTON(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF  
AND ONE BOX FOR DEFENDANT)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> B 610 Agriculture <input type="checkbox"/> B 620 Other Food & Drug <input checked="" type="checkbox"/> B 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> B 630 Liquor Laws <input type="checkbox"/> B 640 R.R. & Truck <input type="checkbox"/> B 650 Airline Regs. <input type="checkbox"/> B 660 Occupational Safety/Health <input type="checkbox"/> B 690 Other	<input type="checkbox"/> A 422 Appeal 28 USC 158 <input type="checkbox"/> A 423 Withdrawal 28 USC 157 <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> A 820 Copyrights <input type="checkbox"/> A 830 Patent <input type="checkbox"/> A 840 Trademark <b>B SOCIAL SECURITY</b> <input type="checkbox"/> B 661 HIA (1395m) <input type="checkbox"/> B 662 Black Lung (923) <input type="checkbox"/> B 663 DIWC/DIWW (405(g)) <input type="checkbox"/> B 664 SSID Title XVI <input type="checkbox"/> B 665 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> A 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> A 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions A OR B
<b>A REAL PROPERTY</b> <input type="checkbox"/> B 210 Land Condemnation <input type="checkbox"/> B 220 Foreclosure <input type="checkbox"/> B 230 Rent Lease & Ejectment <input type="checkbox"/> B 240 Torts to Land <input type="checkbox"/> B 245 Tort Product Liability <input type="checkbox"/> B 290 All Other Real Property	<b>A CIVIL RIGHTS</b> <input type="checkbox"/> A 441 Voting <input type="checkbox"/> A 442 Employment <input type="checkbox"/> A 443 Housing/Accommodations <input type="checkbox"/> A 444 Welfare <input type="checkbox"/> A 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> B 510 Motions to Vacate Sentence <input type="checkbox"/> B 530 Habeas Corpus: General <input type="checkbox"/> A 535 Death Penalty <input type="checkbox"/> B 540 Mandamus & Other <input type="checkbox"/> B 550 Civil Rights <input type="checkbox"/> B 555 Prison Condition	<input type="checkbox"/> A 710 Fair Labor Standards Act <input type="checkbox"/> A 720 Labor/Mgmt Relations <input type="checkbox"/> A 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> A 740 Railway Labor Act <input type="checkbox"/> A 790 Other Labor Litigation <input type="checkbox"/> A 791 Empl. Ret. Inc. Security Act		

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

21 USC § 881(a)(6)

Action for forfeiture of currency seized as drug proceeds.

LENGTH OF TRIAL

via 4 days estimated (for both sides to try entire case)

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NOVIII. RELATED CASE(S) (See instructions):  
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

August 14, 2003

Arimentha R. Walkins, AUSA

A.R. Walkins

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_